



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10 HANFORD PROJECT OFFICE

712 Swift Boulevard, Suite 5
Richland, Washington 99352

0060686

October 27, 2003

Mr. Kevin D. Leary
U.S. Department of Energy
PO Box 550, A6-38
Richland, WA 99352

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EDMC

Re: Landfill Regulations and the U-Plant Canyon Disposition Initiative (CDI)

Dear Mr. Leary:

The U.S. Environmental Protection Agency (EPA) and the Washington State Department of Ecology (Ecology) have determined that Resource Conservation and Recovery Act (RCRA) landfill and land disposal restriction (LDR) requirements, as implemented through the Washington Hazardous Waste Management Act (HWMA) and Dangerous Waste Regulations, are applicable (as opposed to relevant and appropriate) to the U-Plant CDI proposed remedial action because hazardous waste in vessels will be buried and disposed of within U Plant as part of the proposed remedial action. Specifically, WAC 173-303-665(2) (corresponding to 40 CFR 264.301), WAC 173-303-665(6) (corresponding to 40 CFR 264.310), and WAC 173-303-140(2)(a) (incorporating by reference 40 CFR 268) are applicable to the proposed Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedial action for U-Plant CDI.

The fact that these landfill and land disposal regulations are applicable needs to be specified in the Feasibility Study (FS) and Proposed Plan (PP). The appropriate location within these documents to include this discussion would be the notification to the public that the Department of Energy (DOE) is seeking an exemption to the Minimum Technical Requirements (MTRs) and a Treatability Variance (TV) to comply with the RCRA MTR landfill regulations and LDRs, respectively. The U-Plant facility will not be able to meet the MTRs for a traditional double liner/leachate collection system. The DOE therefore needs to meet the criteria for an exemption to the liner/leachate collection system MTRs through WAC 173-303-665(2)(j) (corresponding to 40 CFR 264.301(d)). The EPA and Ecology have determined that this exemption provision is likely appropriate for the U-Plant project. Some additional modeling will be necessary to support the exemption. A description of the modeling and resulting information must be included in the revised FS.

LDRs are applicable for mercury in the sludge heels of vessels within U-Plant. The EPA and Ecology believe the requirements for a TV at 40 CFR 268.44(h)(2) can likely be satisfied on the basis that it is technically inappropriate for the sludge to be removed from the vessels due to high worker exposure to radiation and the limited volumes of sludge that will be safely contained in grouted vessels, which, will in turn be surrounded by a massive grouted monolith (i.e., macroencapsulation as an alternative treatment).



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The EPA and Ecology will assist the DOE in the effort to satisfy the RCRA/HWMA landfill regulations as "Applicable or Relevant and Appropriate Requirements" under CERCLA, 42 U.S.C. § 9621(d)(2). There is adequate flexibility offered within the RCRA/HWMA regulations to tailor an approach for the U-Plant that is both protective and implementable. If you have any questions please call Matt at 509 736-5721, or Craig at 509 376-8665.

Sincerely,



Matt Mills
Unit Manager
Ecology



Craig Cameron
200 Area Project Manager
EPA

cc: Julie Robertson, FHI
Rick Bond, Ecology
Administrative Record: Canyon Disposition Initiative (221-U Facility)